

# Mayor and Council Communication

**DATE:** 06/22/21

**M&C FILE NUMBER:** M&C 21-0450

**LOG NAME:** 12CPN 102688 WESTSIDE III WATER TRANS. MAIN PARCEL N 102688

**SUBJECT**

(ETJ near CD 3) Adopt Attached Resolution Authorizing the City's Petition for Temporary Injunction Against Michael Nazarian, Rachel Nazarian, and Rebekah Nazarian as co-executors of the Estate of Manucher Nazarian, the Owner of Property Located at 12501 Camp Bowie West Blvd., in the Jonathan Burleson Survey, Abstract 78 Seeking a Temporary Right of Entry to Conduct Due Diligence in Anticipation of the Westside III Water Transmission Main Project

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**RECOMMENDATION:**

It is recommended that the City Council authorize the City Attorney to file a Petition for Temporary Injunction against Michael Nazarian, Rachel Nazarian, and Rebekah Nazarian as co-executors of the Estate of Manucher Nazarian to gain access to the property described in order to conduct due diligence.

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**DISCUSSION:**

The City is in the planning stage of constructing the Westside III Water Transmission Main (the Project). The Project will deliver water from the Westside Water Treatment Plant (Old Weatherford Road) to the south side of Interstate 20 (just west of Markum Ranch Road). One of the alignments being considered by the City includes property owned by the Estate of Manucher Nazarian. This alignment would run primarily parallel to the eastern property boundary, and then move towards the northeast corner to follow the future TxDOT right-of-way acquisition for future overpass construction over Interstate 20. Records indicate that Michael Nazarian is the individual in care of the Estate of Manucher Nazarian. Efforts to obtain permission to enter the property in order to perform due diligence work have been unsuccessful. Therefore, staff seeks Council authority to file suit to obtain a temporary injunction to allow employees of the City of Fort Worth, registered contractors and their sub-consultants to enter the property to perform due diligence work.

As part of the City's due diligence for the Project, the City needs a Temporary Right of Entry to perform the following:

1. Geo-technical analysis to include shovel testing and borings (backfilled upon drilling);
2. On-the-ground survey and appraisal;
3. Environmental jurisdiction determination to identify open waters or wetlands;
4. Environmental archaeological site review to identify cultural resources from history of operations in the area to include shovel testing along the alignment and backhoe trenching at key areas and creek crossings (backfilled upon completion);
5. Subsurface utility exploration to include Quality Level A Test Holes (backfilled upon completion); and
6. In-situ soil resistivity testing to identify soil resistivity along the proposed alignment; and
7. General site observation.

Accordingly, it is recommended that the City Council adopt the attached Resolution authorizing the filing of the Petition for Temporary Injunction in Tarrant County, Texas.

This property is located in the City's ETJ near COUNCIL DISTRICT 3.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that this action will have no material effect on City funds.

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Expedited